IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR.

1.S.B. CIVIL SECOND APPEAL NO.828/2007
Smt. Veera Saini Vs. Ram Chndra
2.S.B. CIVIL SECOND APPEAL NO.829/2007
Smt. Veera Saini Vs. Smt. Kamla Saini

13.11.2007

HON'BLE MR. JUSTICE DALIP SINGH

Shri R.K. Agarwal, for the appellant.
Shri N.K. Maloo, for the respondent.

These two second appeals were heard together on the request of the learned counsel as they arise out of the same suit.

During the course of hearing learned counsel for the appellant Shri Agarwal in consultation with the son of the appellant Shri Tarun Kumar prayed that some reasonable time may be allowed to the appellant to vacate the premises and the appellant would not like to press this appeal on merits.

Learned counsel Shri Maloo appearing on behalf of the respondent-plaintiff-decree-holder submits that the respondent would not execute the decree against the defendant appellant upto 30.06.2009 in case the appellant files an undertaking before the learned trial court to vacate the premises on or before said date (30.6.2009) and hand over the vacant possession to the decree-holder.

In view of the above it is directed that in case the defendant appellant files an undertaking before the learned trial court within four weeks from today to the effect that the appellant would hand over the vacant possession of the premises in dispute to the decree holder on or before 30.6.2009.and would not sub-let, assign, or part with the possession of the premises in dispute or

create any third party interest in the same or encumber or damage it in any manner.

The appellant shall also along with undertaking submit proof of the payment of the rent/deposit of the same upto 30.11.2007 or pay the same to the decree-holder within the aforesaid period of four weeks.

The appellant shall also undertake that he shall continue to pay the rent regularly month by month by the 15th day of the next succeeding month. It is made clear that in case the appellant fails to comply with any of the aforesaid conditions the decree holder would be free to execute the decree forthwith.

Subject to the above both the appeals and the stay applications are disposed of.

(DALIP SINGH),J.

Ramchandrkhatri,PS